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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/393,405 09/10/99 HOWARD

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EXAMINER

TM02/0619
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BLVD
7TH FLOOR
LOS ANGELES CA 90025

ELISCA, P	
ART UNIT	PAPER NUMBER

2161
DATE MAILED:

06/19/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/393,405

Applicant(s)
Howard, Christopher J.

Examiner
Pierre E. Elisca

Group Art Unit
2161



☒ Responsive to communication(s) filed on Apr 23, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 and 24-94 is/are pending in the application.

Of the above, claim(s) 20-23 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 and 24-94 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

Response to Amendment

1. This office action is in response to Applicant's amendment filed on 04/23/2001. The final rejection mailed on 4/4/2001 and the advisory action mailed on 5/22/2001 have been withdrawn.
2. Claims 1-19, 24-83 are remained and claims 84-94 are added.

NOTE

3. The prior art of record Dykes et al. (U.S. Pat. No.5,872,915) still read on Applicant's new amended claims and new added claims.

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Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The disclosed invention is inoperative and therefore lacks utility. Claim 1 **STILL** is inoperative because there is no functionality in the claim and Applicant fails to disclose if claim 1 is a method or process or a system or an article of manufacture.

For Examining purposes Examiner considers claim 1 as a system's claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claim 1-19, 24-94 are rejected under 35 U.S.C. 102 (e) as being patentable by Dykes et al. (U.S. Pat. No. 5,872,915).

As per claim 1, Dykes discloses an ephemeral output only browser (or BROWSER) that protects multiple formats of content received by the ephemeral-ouput-only browser (see., abstract,

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col 4, lines 33-55, the new added limitation is also disclosed by Dykes in col 11, lines 31-45, wherein said this data stream may be presented to web server application in many different formats, including RFC 1866 or RFC 1867 formats. These two specific formats are just examples of common data stream formats that common web browsers understand. The present invention is not limited to these formats but includes any data transmission format now known or developed in the future, col 13, lines 14-18).

As per claims 2, 6-8, 10-19, 24-36, 40, 44-68, 71-85, 92 Dykes discloses a computer system/method for providing security checking for software applications accessed via the WWW (which is equivalent to Applicant's claimed invention wherein said a system for protecting content distributed through a network), comprising:

a client computer operable for connecting to the network and for executing a client program that is capable of protecting content in multiple formats and that limits use of the content once the content is distributed to the client computer through the network (see., abstract, lines 1-10, col 3, lines 22-58, fig 2-4, wherein said this data stream may be presented to web server application in many different formats, including RFC 1866 or RFC 1867 formats. These two specific formats are just examples of common data stream formats that common web browsers understand. The present invention is not limited to these formats but includes any data transmission format now known or developed in the future, col 13, lines 14-18); and

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a server computer operable for connecting to the network and for executing a security program for securing the content distributed through the network (see., abstract, fig 2-4, col 4, lines 33-67, col 5, lines 1-62, col 9, lines 7-65).

As per claims 3, 5, 9, 69, 70, 86, 87,88, Dykes discloses the claimed limitation, wherein said the client program is an ephemeral output only web browser (ephemeral output only web browser or NETSCAPE) see., col 4, lines 47-57 and encrypted content or key, see., fig 5).

As per claim 4, Dykes discloses the claimed limitation, wherein the client program is an add-in security module for executing as part of a standard web browser and wherein user control over reproduction of the content, in at least one form is limited (see., abstract, 3-13, fig 4, elements 220 and 330).

As per claims 37-39, 41, 89, 90, Dykes discloses the claimed method, wherein the content comprises user perceivable information in a hyper-text markup language (HTML) format (see., col 5, lines 10-27, col 8, lines 16-29).

As per claim 91, Dykes discloses the claimed method wherein the content comprises at least one of video information (video information or graphical data) and audio information (see., col 5, lines 2-9).

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As per claims 42, 93, Dykes discloses the claimed method wherein the content comprises user perceivable information in a common gateway interface (CGI) language format see., fig 4, element 420).

As per claims 43, 94, Dykes discloses the claimed method wherein the content comprises user perceivable information in a JAVA language format (see., col 8, lines 16-29).

Response to Arguments

7. Applicant's arguments filed on 4/23/2001 have been fully considered but they are not persuasive. NECESSITATED BY AMENDMENT.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and relied upon is considered to applicant's disclosure.
10. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. Starting on 10/22/2000 I will be in my office on **Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.**

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

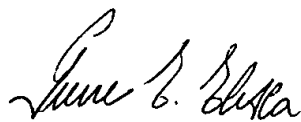
"PROPOSED" or" DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist).

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Pierre Eddy Elisca

Patent Examiner

June 12, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100